

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	
)	No. 1:18-CR-457-AJT
BIJAN RAFIEKIAN, <i>et al.</i> ,)	
)	
Defendants.)	

CONSENT MOTION FOR EXTENSION OF TIME TO FILE
AND TO CONTINUE HEARING

The United States respectfully requests a two-week extension of the deadline to respond to the defendant's motions under Federal Rules of Criminal Procedure 29 and 33, a two-week continuance of the scheduled hearing on the motions, and ten additional pages in which to respond to the motions. The reasons for this motion are the following:

1. On July 23, 2019, the Court ordered that the defendant file any supplemental briefing on his Rule 29 motion by August 17, 2019, that the government file any response by August 24, 2019, and that the hearing on the motion take place on September 5, 2019.
2. On July 30, 2019, the defendant moved for an extension of time to file a motion for a new trial under Rule 33. The government consented to this request. The same day, the Court granted the defendant's motion and extended the deadline from August 6, 2019, to August 17, 2019—the same day that supplemental briefing on the defendant's Rule 29 motion was due.
3. On Saturday, August 17, 2019, the defendant filed his motion for a new trial under Rule 33, as well as a 54-page memorandum containing briefing on the Rule 33 motion and supplemental briefing on his Rule 29 motion, which incorporated the defendant's previously

filed Rule 29 briefing by reference. *See* Dkt. 360 at 5 n.2. The defendant's memorandum raised numerous legal and factual issues that have not been addressed in prior briefing.

4. In light of the fact that the government must respond concurrently to two post-trial motions, the length of the defendant's memorandum in support, and the fact that several members of the prosecution team have long-planned vacations this week, the government respectfully requests two additional weeks to respond to the defendant's motions. The government respectfully requests that the hearing on the defendant's motions be continued for two weeks as well. Defense counsel consents to these extensions.

5. In addition, given the fact-intensive nature of briefing under Rules 29 and 33, the numerous legal issues raised in the defendant's filings, and the length of the defendant's memorandum and previous Rule 29 filing, the government further requests a 50-page limit for its consolidated response.

For these reasons, the United States respectfully requests that the Court order that the government's response to the defendant's motions for acquittal and for a new trial be filed by September 7, 2019, that the government's response be limited to 50 pages, and that the hearing on such motions be continued to September 19, 2019.

Respectfully submitted,

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UNITED STATES ATTORNEY

_____/s/
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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2019, I electronically filed the foregoing using the CM/ECF system, which will send a notification of such filing to counsel of record.

Respectfully submitted,

/s/
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U.S. Department of Justice